

PUBLIC NOTICE

Notice is hereby given that the Ohio Department of Aging will conduct a hearing in accordance with Chapter 119. of the Revised Code to obtain comment concerning the Department's proposed rescission of existing rule 173-3-01 of the Administrative Code ("Cost sharing requirements for services funded with senior community services block grant funds"), and its proposed adoption of new rule 173-3-01 of the Revised Code ("Cost-sharing requirements"). Both of these rules require Area Agencies on Aging (AAAs) funded by the Department of Aging to adopt policies authorizing certain service recipients to share in the costs of the services they receive from the AAAs. While AAAs are required to adopt policies under this rule, AAAs are not permitted to require service recipients to pay for any part of the services they receive - payment must be voluntary, and may never be a condition to the receipt of services. The rescission and adoption of rule 173-3-01 is being proposed as part of the five-year rule review requirements outlined in section 119.032 of the Revised Code.

Proposed new rule 173-3-01 differs from existing rule 173-3-01 in the following ways: 1) the title has been amended slightly; 2) the rule has been re-organized, and its paragraphs have been renumbered; 3) the rule has been amended to prohibit an AAA or service provider from denying services to anyone who fails or refuses to participate in client cost-sharing, regardless of the source of the funding from the Department that is used to pay for the services (This prohibition once applied only to services funded with Older Americans Act funds); 4) the rule has been amended to require AAAs or providers to establish procedures for cost-sharing mechanisms for consumer-directed care programs; 5) the rule has been amended to eliminate the requirement that AAAs/providers use the fees they collect to provide services in the county from which the services were paid and to allow AAA care coordination programs to utilize the fees they receive to expand the funds pool from which the services were paid; 6) the rule has been amended to explicitly list the services to which the rule does not apply, to list one service to which the rule may apply, and to list examples of services to which the rule must apply; 7) the term "federal poverty guideline" has been amended to mirror the term as defined in the Federal Register the last time the federal guidelines were amended; and 8) the rule has been amended to delete the requirement that AAAs have cost-sharing policies in effect beginning the first day of the AAA program year after the adoption of the rule.

The hearing to which this notice applies will be conducted on Thursday, November 18, 2004, in Conference Room A of the Department's offices at 50 W. Broad Street, 9th floor, Columbus, Ohio, 43215. The hearing will begin at 10:00 a.m. and will continue until all parties in attendance at that time have had an opportunity to provide comment. Written comments to the proposed actions may be mailed or faxed to the Department (FAX:614-466-5741) on or before the date of the hearing. All requests for copies of the proposed rule revision and adoption, as well as any written comments, should be directed to the attention of Mike Laubert (614-466-1055, Mlaubert@age.state.oh.us) at the Ohio Department of Aging.